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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,116	09/07/2000	Anthony Edward Martinez	AUS9-2000-0405-US1	1308

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EXAMINER

VU, THANH T

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/657,116

Applicant(s)

MARTINEZ, ANTHONY EDWARD

Examiner

Thanh T Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Claim Objections

1. The preamble of all the dependent claims need to be the same as the claim from which it depends. *Therefore, CLAIMS 2-5 are objected to.*

2. Claim 7 is objected to because of the following informalities:

Claim 7, line 12 "whether or nor" should be --whether or not--.

Claim 7, line 14 "selecting" should be --selecting--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The use of letters "c" and "r" in the claims are not clear.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeStefano (U.S. Pat. No. 6,075,531) in view of Clark et al. ("Clark", U.S. Pat. No. 5,995,101).

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Per claim 1, DeStefano teaches a programmable apparatus for displaying secondary content, comprising: a computer; a software program for displaying a spotlight cursor having a circumference (fig. 11; col. 9, lines 14-22; col. 4, lines 11-15), but does not specifically show the computer being directed to display secondary content when said secondary content is covered by a point on said circumference. However, Clark teaches the computer being directed to display secondary content when an area of interest is pointed by a cursor (fig. 1, col. 1, lines 46-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include displaying a secondary content of a control area as taught by Clark in the invention of DeStefano because it provides users a convenient way to display secondary information when a control area is within a proximity range of a pointer. Thus, a user can view secondary information of multiple control areas at the same time without the need to move from one control area to another in a graphical user interface.

Per claim 2, DeStefano teaches the circumference of claim 1 wherein said circumference is visible as a solid line or a broken line or not visible (fig. 11; col. 8, lines 16-26).

Per claim 3, DeStefano teaches the secondary content of claim 1 wherein said secondary content is one of the following: gradual, all or zone (col. 8, lines 43-49).

Per claim 4, DeStefano teaches the spotlight cursor of claim 1 wherein the light within the circumference is of selectable and variable intensity (col. 8, lines 16-26).

Per Claim 5, DeStefano teaches the spotlight cursor of claim 1 wherein the area inside the circumference is a pre-selectable color (col. 8, lines 16-26).

Per Claim 6, DeStefano teaches a computer readable memory for causing a computer having a cursor to display secondary content comprising: a computer readable storage medium; a

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program stored in said storage medium (figs. 1 and 2); the storage medium so configured by said program, causes the computer to display a spotlight cursor having a radius, a circumference, and a center located at the forward most point of the cursor (fig. 11; col. 9, lines 15-23), but does not teach responsive to coincidence of coordinates on said circumference and said secondary content, said secondary content is displayed. However, Clark teaches displaying a secondary content when an area of interest is pointed by a cursor (fig. 1, col. 1, lines 46-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include displaying a secondary content of a control area as taught by Clark in the invention of DeStefano because it provides users a convenient way to display secondary information when a control area is within a proximity range of a pointer. Thus, a user can view secondary information of multiple control areas at the same time without the need to move from one control area to another in a graphical user interface.

Per claim 7, DeStefano teaches a computer implemented process to accomplish display of secondary content upon activation by a spotlight cursor comprising: using a first program in the memory of a computer, performing the following steps (figs 1 and 2); determining whether or not the user has selected the spotlight cursor (col. 7, lines 11-21); determining whether or not "r" has been selected; obtaining the coordinates of the cursor; calculating the location of "c"; determining whether "c" has covered a secondary content (col. 8, lines 16-26; col. 8, lines 35-45 col. 9, lines 14-23); using a second program in the memory of a computer, performing the following steps (figs 1 and 2); displaying a menu (col. 7, lines 11-21); selecting "r" selecting intensity; selecting color for area inside the circumference; selecting color of "c"; selecting configuration of "c" (col. 9, lines 14-23; col. 8, lines 16-26, col. 8, lines 35-45). DeStefano does

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not specifically teach determining whether or not secondary contents are to be displayed and causing a secondary content to be displayed. However, Clark teaches displaying a secondary content when an area of interest is pointed by a cursor (fig. 1, col. 1, lines 46-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include displaying a secondary content of a control area as taught by Clark in the invention of DeStefano because it provides users a convenient way to display secondary information when a control area is within a proximity range of a pointer. Thus, a user can view secondary information of multiple control areas at the same time without the need to move from one control area to another in a graphical user interface.

Per claim 8, DeStefano teaches a method for creating a spotlight cursor for causing secondary content to be revealed comprising: obtaining the coordinates of the cursor; calculating the location of "c"; determining whether "c" has covered a an area (col. 9, lines 14-23; col. 8, lines 16-26). DeStefano does not specifically teach responsive to a determination that "c" has covered a secondary content, causing a secondary content to be displayed. However, Clark teaches displaying a secondary content when an area of interest is pointed by a cursor (fig. 1, col. 1, lines 46-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention include displaying a secondary content of a control area as taught by Clark in the invention of DeStefano because it provides users a convenient way to display secondary information when a control area is within a proximity range of a pointer. Thus, a user can view secondary information of multiple control areas at the same time without the need to move from one control area to another in a graphical user interface.

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Per claim 9, DeStefano teaches the method of claim 8 further comprising the step of determining whether or not the user has selected the spotlight cursor (col. 7, lines 11-21).

Per claim 10, DeStefano teaches the method of claim 8 further comprising the step of determining whether or not "r" has been selected (col. 7, lines 11-21; col. 9, lines 14-21).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McKiel, Jr. (U.S. Pat. No. 6,046,722) teaches a method and system for enabling blind or visually impaired computer users to graphically select displayed elements.

DeStefano (U.S. Pat. No. 6,091,395) teaches a computer system and method of manipulating a graphical user interface component on a computer display through collision with a pointer.

Inquiries

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T Vu whose telephone number is (703)-308-9119. The examiner can normally be reached on M-F 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (703) 308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-746-7239 for regular communications and (703)-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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T. Vu
January 13, 2003

Kristine Kincaid
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